

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No.6501 of 2021

Muna Jena

.... ***Petitioner***
Mr. J. Sahoo, Advocate

-versus-

State of Odisha

.... ***Opposite Part***
Mr. M.K. Mohanty, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
15.02.2022

Order No.

03.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and learned counsel for the State. Perused the F.I.R., case diary and other relevant documents on record.
3. This is an application under Section 439 of the Criminal Procedure Code.
4. The Petitioner is an accused in T.R. Case No.08 of 2021 arising out of Jankia P.S. Case No.21 of 2021 pending in the court of learned 1st Additional Sessions Judge-cum-Special Judge under N.D.P.S. Act, Khurda for commission of offence punishable under Section 20(b)(ii)(C) of the N.D.P.S. Act.
5. It is submitted by learned counsel for the Petitioner that the driver of the vehicle fled away from the spot leaving the said vehicle. On verification of registration, the Petitioner was arrested subsequently and he is custody since 30.07.2021. Further, he submits that Section 37 of the N.D.P.S. is not attracted.
6. Mr. Mohanty, leaned Additional Standing Counsel for the State

vehemently, opposes the prayer for bail of the Petitioner and further submits that number of such cases are increasing day-by-day and no leniency should be shown to the Petitioner or similarly situated persons.

7. Having heard learned counsel for the parties and considering the allegations made against the Petitioner, period of detention of the Petitioner and Section 37 of the N.D.P.S. is not attracted, it is directed that let the Petitioner be released on bail on furnishing a bail bond of Rs.50,000/- (rupees fifty thousand) with two local solvent sureties each for the like amount to the satisfaction of the learned court in seisin over the matter subject to conditions that the Petitioner shall not be involved in any offence of similar nature, he shall not tamper with the prosecution evidence or try to threaten or influence the witnesses in any manner whatsoever, shall not make any default in attending the court during trial on each date and shall appear before the concerned Police Station once in a week preferably on 'Sunday' in between 10.00 A.M. to 1.00 P.M. Violation of any of the terms and conditions shall entail cancellation of bail.

8. It is open for the court in seisin over the matter to impose other conditions as may deem just and proper.

9. It is further directed that the bail granted to the Petitioner is subject to the condition that learned court below shall verify whether the Petitioner has any criminal antecedents. In the event it is found that the Petitioner has any such criminal antecedents, this bail order shall automatically stands revoked.

10. The Bail Application is accordingly disposed of.

11. Urgent certified copy of this order be granted on proper application.